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Letter dated 27 June 2005 from the Permanent Representative of Uganda to the United Nations addressed to the Chairman of the Committee

I have been requested by my Government to forward to you the report of the meeting between officials of the Government of Uganda and the Group of Experts on the Arms Embargo on the Democratic Republic of the Congo (see annex). A copy of the report has also been given to the Group of Experts.

You will see from the report that Uganda has extended maximum cooperation to the Group of Experts in their work. Uganda has considerable interest in the stability of the Democratic Republic of the Congo as any chaos there could spill over to our country and cause a security threat. We have, therefore, gone an extra mile in ensuring that there is maximum cooperation between the United Nations Organization Mission in the Democratic Republic of the Congo, the Democratic Republic of the Congo and Rwanda, and indeed within the context of the Great Lakes region initiative, to ensure that an effective government in Kinshasa, able to assert its authority over the entire territory of the Democratic Republic of the Congo, is established.

Once again I would like to assure you of the cooperation of the Government of Uganda.

(*Signed*) Francis K. **Butagira**
Ambassador
Permanent Representative

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Annex

Submission of the Government of Uganda to the Group of Experts on the United Nations Arms Embargo on the Democratic Republic of the Congo under Security Council resolution 1596 (2005)

1. Introduction

Following renewal of its mandate by Security Council resolution 1596 (2005), the Group of Experts on the Arms Embargo on the Democratic Republic of the Congo visited Uganda from 19 to 22 June 2005. During the visit, the Group met senior officials of the Ministry of Foreign Affairs on 21 June and the officials from various Ministries and Departments on 22 June 2005.

At the two meetings, the two sides exchanged views.

The following is Uganda's written presentation on the issues of interest and concern raised by the Group of Experts as they appear in the enclosure to the present submission.

2. Welcoming the United Nations arms embargo

The Government of Uganda commends the Security Council for adopting a resolution imposing an arms embargo on the Democratic Republic of the Congo and efforts to have it enforced, a well as for establishing the Group of Experts.

- We commend these efforts because we perceive them as being aimed at contributing to peace, security and stability in the Democratic Republic of the Congo, and between the Democratic Republic of the Congo and its neighbours and in the Great Lakes region.
- We also believe that the process of pursuing efforts to implement the relevant resolutions will also contribute to building trust and confidence in the region.

3. Continued cooperation with the international community

It is on the basis of section 2 above that the Government of Uganda has been cooperating with the United Nations Group of Experts on the Arms Embargo as we also cooperated with the United Nations Group of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo.

4. Bilateral and regional initiatives

4.1 In addition to cooperating with the United Nations, the Government of Uganda is also cooperating with our neighbours, particularly the Democratic Republic of the Congo and Rwanda, as evidenced by the tripartite mechanism, the Uganda-Democratic Republic of the Congo Verification Mechanism established in May 2004, joint permanent commissions and other initiatives as well as working together in the context of the International Conference on the Great Lakes Region.

4.2 On the diplomatic front, Uganda remains the only country in the tripartite mechanism to have reciprocal diplomatic representation with Rwanda and the Democratic Republic of the Congo. Rwanda and the Democratic Republic of the Congo have no embassies in each other's capitals.

4.3 Another area on which the Group of Experts expressed concern, Bundibugyo, has been attended to. In June 2005, a joint security liaison office manned by Ugandan and Congolese officials was set up. This will go a long way in monitoring the borders and deterring illegal armed activities and forestalling the possibility of arms trafficking.

4.4 Uganda and the Democratic Republic of the Congo have intensified cooperation in ensuring regular meetings between border officials.

5. Armed groups

5.1 We are interested in seeing the transition in the Democratic Republic of the Congo succeed, the integration of military forces accomplished and the Government in the Democratic Republic of the Congo establish its authority over its entire territory. This would contribute to the resolution of the security threat posed by negative forces/armed groups that are taking advantage of the existing vacuum to destabilize the Democratic Republic of the Congo and to contaminate relations between the Democratic Republic of the Congo and its neighbours. We are interested in seeing ADF and PRA terrorists routed out and our amnesty remains open to any of those elements who wish to disarm voluntarily and return peacefully as many others have done. In this regard, the Government of Uganda requested the Democratic Republic of the Congo to authorize the establishment of an office for the Uganda Amnesty Commission in Beni; we are yet to receive the sought go-ahead.

5.2 Since the withdrawal of Ugandan troops from the Democratic Republic of the Congo in June 2003, our role has been to cooperate with the Government of the Democratic Republic of the Congo and the international community to bring about peace, security and stability and not to fuel tensions and conflict as alleged by some quarters. A case in point is the leading role the Government of Uganda played in the establishment and operationalization of the Ituri Pacification Commission. The Congolese armed militia the Government of Uganda dealt with, with the full knowledge of the Government of the Democratic Republic of the Congo, have since been integrated into the transitional government in the Democratic Republic of the Congo as our dealings were for purposes of pacification and not destabilization, as alleged. Likewise, our support for the French-led Operation Artemis and, subsequently, for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in the eastern part of the Democratic Republic of the Congo is with a view to contributing to the stabilization of the region.

5.3 Paradoxically, there are armed groups, such as UPC-L, which Uganda is being linked to by certain quarters, groups that are well known to have had negative relations with Uganda ever since their founding. There are Congolese fighters who recently fled to Uganda and our authorities immediately notified MONUC as we subjected them to the official standard procedure to which we subject all people seeking refugee status or asylum-seekers. Contrary to allegations from some circles, Uganda has not engaged these groups for any subversive manoeuvres. One individual, Bosco Ntaganda, has been alleged to be travelling in and out of Uganda, but our authorities have not got hold of him, although it was falsely alleged that our authorities had received him in Kampala. We are on record as having assured the international community, in particular MONUC, that if a warrant of arrest is issued for any one of the wanted elements, we shall cooperate fully to have them brought

to book if ever they cross into Uganda and we get hold of them. The Government reaffirms its readiness to cooperate in the assets freeze and travel ban on any individuals that the United Nations will sanction and notify us of.

5.4 It is the view of the Government of Uganda that Security Council resolution 1596 (2005) on the arms embargo on the Democratic Republic of the Congo presupposes that there is an effective state in the Democratic Republic of the Congo. The Government of Uganda considers that the Democratic Republic of the Congo has no capacity to police its large territory; no control of its air space. Uganda's view is that there is need for additional commitment from the international community to develop real infrastructure that maintains a state, for otherwise arms can be moved through thick forests undetected. The international community does not seem to devote sufficient focus to the fact that before the embargo can be effective there is need to close all the leakages such as the fact that some elements of the integrated army have dual loyalty, with some operating their own armed factions that could lead to arms proliferation. Though ADF and PRA are said to have been disarmed by MONUC, they could be rearmed in such a situation.

6. Immigration

6.1 **Border monitoring system**: There is a project supported by the Government of the United States of America to equip the Ugandan Immigration Department for purposes of monitoring the border. This project was commissioned mid-June 2005. It is being implemented in phases, beginning with areas where there is electricity. The border areas of Mpondwe, Ishasha, Vurra and Oraba, among others, at the border with the Democratic Republic of the Congo lack electricity and infrastructure, such as buildings to accommodate the equipment. The areas at the common border with the Democratic Republic of the Congo will be reached in later phases as early as next year. First phase includes: Entebbe, Malaba, Busia, Mutukula and Katuna.

6.2 **Deployment**: The Government of Uganda is endeavouring to address the problem of inadequate human resources to manage our borders.

- The Department of Immigration is in the process of recruiting more personnel following recent authorization by Parliament.
- The Government of Uganda has posted immigration officers to the Ntoroko area over which concern had been raised by the Group of Experts as a possible outlet for arms trafficking. It is noteworthy that Ntoroko is a landing site with booming business of goods and services back and forth across the border. The Government of Uganda has not come across any arms trafficking at that point.

6.3 **Border patrol**: Even with these increases in immigration personnel, we shall still have the problem of the porosity of our borders since many areas along the 1,200 kilometre border between Uganda and the Democratic Republic of the Congo will remain ungazetted, although people continue to use them. There is, therefore, the need to build the capacity of the Ugandan Immigration Department to patrol the border. It is encouraging that MONUC has contributed to Uganda's patrol of some parts of Lake Albert by establishing a riverain patrol unit. More such support is needed all along the border, which is characterized by difficult terrain.

6.4 **Roles**: The roles of the Customs and Immigration Departments in Uganda are distinct and there is no conflict of roles between the two departments and their

personnel. Immigration deals with the movement of people while Customs handles the movement of commodities. The two departments are cooperating with each other to provide customs and immigration services and also to address any associated concerns.

7. Customs

7.1 **Instructions**: The Commissioner-General of the Uganda Revenue Authority (URA) issued a circular to all customs stations (at border areas and elsewhere) highlighting the United Nations arms embargo, its implications and our obligations, instructing customs officials to take note and check all exit and entry cargo.

7.2 **Strengthening**: Customs has been strengthening transit controls for goods in transit; all goods are checked as they enter and exit the country. In so doing, the Government of Uganda has been able to both ensure that the arms embargo is not violated through our Customs posts and block the leakage of tax revenue, an issue that was raised in the last report of the Group of Experts.

7.3 **Cooperation**: URA is entering memorandums of understanding with neighbours for control of goods; it has so far done so with Rwanda and Kenya and is in advanced stages of entering one with Burundi. We are yet to have one with the Democratic Republic of the Congo, although contacts are under way.

7.4 **Air cargo**: The Government of Uganda has made it mandatory that any aircraft coming into our space has to present inward manifest to customs of all goods on board. Vessels and aircraft leaving our airspace have to prepare outward manifests.

7.5 **The East African Community Management Act, 2004**: The act provides the same procedure for the control of goods coming into the country and transit goods.

- *Mombasa, Kenya, and Dar es Salaam, United Republic of Tanzania*: at those two ports, it is mandatory that all goods are scanned and whenever there are any suspicious goods destined for Uganda or for transit through Uganda, the Kenyan authorities communicate and consult with Uganda. This system helps Uganda as a landlocked country and it is the starting point to ensure that arms are not trafficked through the East African Community region. Uganda still lacks and needs its own capacity to scan.

- *Mombasa*: the Government of Uganda has established a customs office in Mombasa to track cargo coming in or in transit.

7.6 Under the East African Community, there is a Single Administrative Document (SAD) filed from the point of first entry.

7.7 **Transit Goods Licence**: Customs thoroughly checks to ensure that there are no vehicles with concealed components which could carry arms, smuggled goods or trafficked drugs. The authorities of the Government of Uganda licences trucks with transit goods after satisfying themselves that the vehicles are transporting legitimate cargo.

7.8 As the Government of Uganda continues to endeavour to improve its customs services and to contribute to enforcing the United Nations arms embargo through the above measures, it wishes to express concern about reports of incidents where United Nations agencies disguise prohibited items as blankets, medication or "black tea", taking advantage of their diplomatic immunity through the United Nations and

the transit status of their cargo, which only allows limited searches. The Government of Uganda is investigating these reports for actionable evidence.

7.9 **Northern Corridor Transit Transport Authority**: Any amendment to the Agreement of the Northern Corridor to ensure enhanced control of cargo, including that between Uganda and the Democratic Republic of the Congo, can only be a joint endeavour of all the parties to the Agreement.

8. Aviation

8.1 On measures taken to improve cooperation between the Ugandan Civil Aviation Authority and the Civil Aviation Authority of the Democratic Republic of the Congo: the memorandum of understanding on resumption of commercial flights between Uganda and the Democratic Republic of the Congo was signed in Kampala on 30 April 2004.

8.1.1 The operationalization of the memorandum of understanding:

- On 4 May 2004, a circular was issued to all licensed operators in Uganda informing them about the opening up of commercial flights to the Democratic Republic of the Congo. In the circular, operators were informed that non-scheduled operators intending to operate flights into the Democratic Republic of the Congo must get clearance from the Kinshasa authorities. The contact address in the Democratic Republic of the Congo was given;
- M/S TMK and M/S C.E.TRA.CA were the designated carriers of the Democratic Republic of the Congo; Dairo Air Services and East African Airlines were to be Uganda's designated carriers at a later date.

C.E.TRA.CA is operating scheduled flights twice a week into Entebbe. No Ugandan scheduled carrier has operated flights into the Democratic Republic of the Congo as yet.

8.1.2 Operationalization of the letter of procedures:

The objective of laying down coordination procedures has been achieved. The one area that Kinshasa has not been known to operationalize is the Aeronautical Fixed Telecommunication Network aspect.

A sampling of records indicates that flight plans, dep...res and estimates are only sent by Entebbe. Kinshasa has not reciprocated the Aeronautical Fixed Telecommunication Network option.

A review has been on the cards for some time in which various issues will be addressed in the near future by the parties to the letter of procedures dated 29 October 2004.

8.1.3 While the memorandum of understanding agreed upon was by the Civil Aviation Authorities of both Uganda and the Democratic Republic of the Congo, two concerns were raised:

- Gulu-Democratic Republic of the Congo communication was difficult; it was agreed to institute a satellite link;
- No commercial flights: it was agreed that there should be four weekly flights by carriers of each State into the other State. These would use Goma, Kisangani and Kinshasa airports in the Democratic Republic of the Congo

while in Uganda they could use Entebbe, Kasese, Gulu, Kidepo and Arua airports. They also nominated commercial airlines. Uganda wanted East African Airlines and Dairo Air to operate passenger flights (two weekly flights each), but due to technical problems, neither one operates. Eagle Air expressed interest in operating in the area.

8.1.4 A Bilateral Air Services Agreement exists between the Democratic Republic of the Congo and Uganda. A process is under way to incorporate the memorandum of understanding into the Bilateral Air Services Agreement. The old agreement was limiting as each State protected its national carrier (one aircraft, limited capacity): now, with Uganda's policy of liberalization and the Democratic Republic of the Congo also opening up (two aircraft, no limited capacity), the agreement should operate amicably.

8.1.5 As requested by the Group of Experts, on 22 June 2005, the Government of Uganda provided documents from the Civil Aviation Authority to the Group, namely:

(a) Current aircraft register, updated to 20 June 2005, indicating aircraft registered in Uganda;

(b) Daily traffic sheets by destination from April 2004 to 10 May 2005, indicating flights from Uganda to the Democratic Republic of the Congo;

(c) A copy of the memorandum of understanding between the Civil Aviation Authorities of Uganda and the Democratic Republic of the Congo (English and French texts) signed on 30 April 2004;

(d) Copy of the letter of procedures dated 29 October 2004 between Kinshasa ACC/FIC and Entebbe ACC/FIC;

(e) Movement of aircraft other than United Nations aircraft in or from the Democratic Republic of the Congo, February 2005-May 2005.

8.2 As to cooperation between civilian and military aviation, the Civil Aviation Authority has assumed an upper hand in the management of Uganda's airspace.

8.2.1 The military flights depart from the old airport and they file flight plans with the Civil Aviation Authority.

8.2.2 The Government has made most of the old airport (military airbase) facilities available to MONUC operations.

8.2.3 No military flights cross the border; they fly within the country. Any flight from the old airport that is international is carried out by MONUC. MONUC is independent, with its own logistics base and its own administration.

8.2.4 No commercial flights originate from old airport.

8.2.5 Radar: it was originally meant for military purposes but the military lacked expertise so they integrated civilians and now the military personnel have been taken over by the Civil Aviation Authority. The radar has limited range: this is an area where capacity-building is needed. There are plans to set up radar facilities at Entebbe and at Nakasongola to cover a greater percentage of our airspace.

8.3 Uganda and its partner States in the East African Community are working on a law related to civil aviation applying international standards as provided by the International Civil Aviation Organization (ICAO).

8.4 The Government of Uganda has designated the international entry points as: Entebbe, Kasese, Gulu, Kakoba, Kidepo and Arua. Flights across any border of Uganda are registered at these points. Now that the information area coverage has been extended, information can be obtained on all commercial flights.

8.5 Customs relies on inward and outward manifest. Incoming aircraft ask for clearance to enter airspace; only after landing do they report what they carry on board. Currently, civil aircraft bringing in goods without manifest have either to surrender their goods to customs or take them back to the point of origin. These regulations help to prevent arms trafficking through Ugandan airspace.

8.6 On the crash of the Antonov, the Government of Uganda instituted a Commission of Inquiry, which has just concluded its investigations and handed its report to the Minister of Works, Transport and communication, where it is currently being examined. The report will be presented to the Cabinet and Parliament before it is made public. However, preliminary indications are that the Russian-made plane was registered in the Democratic Republic of the Congo and began its flight from Kinshasa. Passing through Goma on its way back to Kinshasa, it made a technical landing at Entebbe and upon taking off, it crashed and all people on board perished. Preliminary indications are that the accident was due to engine failure. Details will be obtained once the report is released to the public.

9. Defence

9.1 The formal request of the Group of Experts to visit Nakasongola factory made during its visit to Uganda was subsequently passed on to the Office of the Minister of Defence for his consideration.

9.1.1 The questionnaire submitted by the Group of Experts relating to the Nakasongola factory was also forwarded to the Ministry so that it can consider instructing the management of the factory to provide appropriate answers.

9.1.2 Due to short notice to the Ministry of Defence, the Group of Experts could not receive feedback within the short duration of their visit to Uganda.

9.2 On Congolese armed groups, the Group of Experts was informed that:

- The Government of Uganda dealt with some Congolese groups at the time it was encouraging them to renounce armed rebellion and embrace the transitional government; indeed, a good number of them joined government;
- There is a group of former FAPC fighters who fled to Uganda, claiming they were fleeing persecution and seeking political asylum. The Government of Uganda, in a transparent manner, notified MONUC of the group's presence and also provided a list of the former fighters to MONUC. They were subjected to the standard procedure, in conformity with international law. It will be after they have been considered by the Eligibility Committee of the Prime Minister's Office that they can be handed to the Office of the United Nations High Commissioner for Refugees (UNHCR) if they qualify for asylum.

- The Government of Uganda has no information of any of its officials entertaining contacts with Congolese splinter groups. Since Uganda withdrew all of its troops from the Democratic Republic of the Congo in 2003 in accordance with the Lusaka Ceasefire Agreement and the Luanda Peace Agreement, it is not in position to have precise information on Congolese militia in the eastern part of the Democratic Republic of the Congo. The Government of Uganda would welcome specific information from the Group of Experts on the identity of these emerging groups; where in Uganda they are alleged to be operating; which government authorities are alleged to be dealing with them and such other details so as to enable the Government to investigate the matter and take necessary action;
- The Government of Uganda pledges its full cooperation in seeking, arresting and handing over any such elements once it is provided with the particulars with an international arrest warrant.

10. Companies

During a meeting with the Group of Experts on 21 June 2005, the Registrar of Companies in Uganda informed the Group of Experts that:

- The Registry of Companies is open to the public;
- The Group of Experts is welcome to gain access to the records in the Registry of Company;
- It is possible to isolate an individual who is under sanction and has shares in a company but that, such an individual aside, a whole company should not be punished because of one shareholder;
- If the Group of Experts could provide the list of companies on which it needs information, he could provide it.

11. Bank of Uganda

11.1 Regarding the request by the Group of Experts to look at bank accounts, the Bank of Uganda, which has the mandate to supervise banking, welcomes the Group to look at the accounts jointly with the staff of the Bank.

11.2 Concerning actions, the Financial Institutions Act, which can be viewed on the website of the Bank of Uganda, gives the Bank power to freeze and block accounts of concerned parties until matters under investigation are resolved (see Financial Institutions Act, para. 118 (1), Freezing of Accounts):

> "*The Central Bank shall, if it has reason to believe that any account held in any financial institution has funds on the account which are the proceeds of crime, direct in writing the financial institution at which the account is maintained to freeze the account in accordance with the direction.*"

11.3 Anti-Money Laundering Bill has just been considered by Cabinet and will go through Parliamentary Council before being presented to Parliament for consideration and passing into law. Once it is passed, it will contribute to combating any illegal money deposits in Ugandan banks and help to enforce the arms embargo.

12. Minerals

12.1 Background

On 14 December 2004, Uganda's new Mining Act, 2003, came into force thereby replacing the old Mining Act, 1964. This Act had become outdated internationally and also inadequate in addressing local situations, for instance small-scale miners, mineral dealing and the environment.

The old law did not enable the monitoring of mineral imports and, as such, it was difficult to know what was locally produced and what was imported. Export figures would capture a total of reported and unreported local production as well as imported mineral, including gold.

Gold in Uganda is mined by small-scale producers countrywide who sell to buyers around the country. The Government was unable to monitor such production precisely under the old law. The recorded gold production reflects what is reported by licensed local producers.

Border trade between Uganda and the Democratic Republic of the Congo with respect to a host of commodities has been going on since precolonial times, including minerals determined by markets and peoples' needs.

12.2 Mineral statistics

Table 1
Gold exports, imports and production in tons as per permits issued

Year	*2000*	*2001*	*2002*	*2003*	*2004*	*2005*
Gold exports	12.67705	6.27298	7.343671	4.162500	7.309000	2.782550
Gold imports	N/A	N/A	N/A	N/A	N/A	3.078685
Gold production	0.055980	0.000142	0.002565	0.032000	1.447000	N/A

There is no reported significant trade in cassiterite, probably due to its low world market price during the period under review.

12.3 Gold trade

Regarding trade in minerals, the Government of Uganda issues a mineral dealer's licence to an individual or company. Companies have to present a certificate of incorporation. For gold and other precious minerals, the applicant applies for a licence to deal in precious minerals. The licence is valid for one year and is non-renewable.

Table 2
Current licensed mineral dealers for precious minerals in Uganda

1. Precious Logistics Ltd.
2. Janelis Group International Trade
3. Machanga Limited
4. Masanga Global Impex Limited
5. A. P. Bhimji
6. Hector Limited
7. H. S. Chowdhary and Partners
8. Uganda Commercial Impex
9. Preciana Uganda Ltd.

It is noteworthy that Uganda liberalized its economy in 1991, following global trends. This resulted into relaxing some regulations on taxes on goods and foreign currency. Consequently, the gold export tax of 3 to 5 per cent was removed. Furthermore, in 1994, the buying of gold which had been a monopoly of Bank of Uganda, was also liberalized. This initiative enabled the gold traders to declare their gold with the Government, which had not previously been the case.

Dubai and Hong Kong, which are also free markets, are the leading exporters of gold and gold jewelry today, although neither of them mines gold.

12.4 Government intervention

The new law came in with a provision for monitoring imports indicating country of origin, which mineral and in what quantities. When a person exports such minerals, he/she must leave the import permit with customs to verify that transaction.

With regard to artisanal and small-scale mining, the Government has already embarked on a project to encourage small-scale producers of minerals to legalize their operations. Furthermore, the Government of Uganda is building the capacity of mining institutions to enhance management in the sector, including mineral information systems on these minerals.

Effects of the gold trade on arms embargo

Gold production in the Democratic Republic of the Congo is mainly carried out by several small-scale operators and individuals who collect small amounts and through sales via a chain of middlemen, gold accumulates to levels that attract bigger Congolese traders. It is estimated that over 50 per cent of the population in the eastern part of the Democratic Republic of the Congo derive their livelihood from mining and related activities.

The legal right these Congolese traders have to trade in other commodities holds true for their trading in gold. If the authorities are able to license these traders for other commodities, then they are in a position to do so for gold as well.

These traders have an option to sell their acquired gold to any economically viable market in the world. Some of the gold, however, is sold to licensed gold dealers in Uganda, who are issued with an import and subsequently an export permit for a consignment accumulated over a period of time. It should be noted that quantities of gold delivered by Congolese are in the order of few grams.

The money paid for gold by Ugandan buyers is used by the gold suppliers to purchase and then import into the Democratic Republic of the Congo essential

commodities such as cooking oil, soap, clothes, cement and other building materials and other essential commodities from and through Uganda.

In this scenario, gold from the Democratic Republic of the Congo acts a medium of exchange through a chain of artisan miners-gold dealers-city traders to provide the basic essentials to the Congolese population in the eastern part of the Democratic Republic of the Congo.

Arms, being restricted goods, have not been sighted in this chain of normal trade for survival, which has evidently been ongoing since precolonial times. Therefore, any restriction to this trade in any form will increase the humanitarian suffering of the Congolese people rather than improving their situation.

After the presentation by the delegation of the Government of Uganda, an exchange of views ensued with the Group of Experts as follows:

The Group of Experts reported that the Government of Rwanda had presented information on dissident leaders in South Kivu, namely Colonel Mutebutsi and General Nkunda. The Group requested the Government of Uganda to provide such information about leaders of the Ituri factions that might have presented themselves to the authorities of the Government of Uganda.

The Government of Uganda also said that it could be depended on to help by also providing information on negative forces, including ADF and PRA, so that the Group of Experts could investigate these cases.

The Group of Experts requested that it be provided with information on meetings held since July 2003 between Ugandan authorities and leaders of Congolese armed factions: that is, with whom, where, which Government officials and whether for purposes of peace negotiations to contribute to stability.

The Group of Experts requested information from the Immigration Department, regarding how the leaders of the Congolese factions presented themselves when entering Uganda (passport number, etc.). The Group of Experts needs to identify individuals for travel ban and assets freeze. The Government of Uganda requests that it be given the names of the individuals sought by the Group of Experts so that the Immigration Department checks and responds accordingly.

The Government of Uganda delegation criticized the Group of Experts for submitting reports with no credible evidence to sustain allegations and for not giving a chance to those accused to give their account. The Government of Uganda had instituted a Commission of Inquiry, which found most allegations unfounded. The Group of Experts promised not to report information it obtains from other sources before comparing notes with the Government of Uganda, the Group of Experts also agreed to meet any person mentioned in its report.

The Group of Experts stated that some difficulties exist in the management of Uganda's air space; the Group of Experts sought to know where Uganda needs assistance.

The Group of Experts requested a written response to paragraph 6 of Security Council resolution 1596 (2005) which reads:

> "*Decides* that, during the period of enforcement of the measures referred to in paragraph 1 above, all governments in the region, and in particular those

of the Democratic Republic of the Congo and of States bordering Ituri and the Kivus, shall take the necessary measures:

- To ensure that aircraft operate in the region in accordance with the Convention on International Civil Aviation, signed in Chicago on 7 December 1944, in particular by verifying the validity of documents carried in aircraft and the licences of pilots,

- To prohibit immediately in their respective territories operation of any aircraft inconsistent with the conditions in that Convention or the standards established by the International Civil Aviation Organization, in particular with respect to the use of falsified or out-of-date documents, and to notify the Committee, and to maintain such prohibition until the Committee is informed by States or by the Group of Experts that these aircraft meet the said conditions and standards set forth in Chapter V of the Chicago Convention and determines that they will not be used for a purpose inconsistent with the resolutions of the Security Council,

- To ensure that all civilian military airports or airfields on their respective territories will not be used for a purpose inconsistent with the measures imposed by paragraph 1 above;"

Paragraph 1 reads:

"*Reaffirms* the measures established by paragraph 20 of resolution 1493 (2003), dated 28 July 2003, and extended until 31 July 2005 by resolution 1552 (2004), dated 27 July 2004, decides that these measures shall from now on apply to any recipient in the territory of the Democratic Republic of the Congo and *reiterates* that assistance includes financing and financial assistance related to military activities."

The Group of Experts stated that the new resolution asked for the cooperation of Governments to include access to military sites. This is the justification given by the Group of Experts to seek to visit Nakasongola arms factory. The Group requests the visit as well as responses to their questionnaire relating to the factory. The Group recalled that certain diplomats had visited the Nakasongola factory, and that, hence, there was no reason for the Group to be denied the visit, which they have thus far sought three times. The Group further states that the United Nations resolution exceeds national law. The Government of Uganda is considering the request and the questionnaire.

The Group of Experts reminded the Government of Uganda that, in the spirit of enforcing the embargo and also checking United Nations staff, the Government of Uganda should, at an appropriate time, share its findings on the United Nations vehicles involved in transporting prohibited cargo.

The Group of Experts asked for statistics on Uganda's gold import-export trade. The Group asserted that gold imported from the Democratic Republic of the Congo is illegal gold because the Government of the Democratic Republic of the Congo is not in control of the area from which the gold is obtained. The Group of Experts sought to know how the gold trade is contributing to violations of the arms embargo.

The Group of Experts gave its e-mail: drcarmsgroup@hotmail.com where any additional information can be sent to them. The Government of Uganda remains willing to submit further information as and when available and needed.

The Group of Experts also requested the attendance list of the meeting they held with the delegation of the Government of Uganda on 22 June 2005.*

Ministry of Foreign Affairs
Kampala, Uganda

June 2005

* The list of participants was submitted and is available in the files of the Secretariat.

Enclosure

Civil aviation

- Coordination between civil aviation and military aviation authorities in managing airspace
- Daily traffic sheets indicating flights from Uganda to the Democratic Republic of the Congo and vice versa
- Non-direct flights: flights with ultimate destination in the Democratic Republic of the Congo from Uganda
- Register of aircraft in Uganda
- Civil flights that land or depart at the military bases in Gulu and Entebbe
- Crash of the Antonov aircraft outside Kampala: information on the plane, its crew and its commercial contractors
- Measures adopted by Government to improve cooperation between the Civil Aviation Authority of Uganda and the aviation authorities of the Democratic Republic of the Congo
- Measures adopted by the Government of Uganda to implement paragraph 6 of Security Council resolution 1596 (2005)
- Copy of the memorandum of understanding signed between the Democratic Republic of the Congo and Uganda, which designates aviation companies authorized to fly between the Democratic Republic of the Congo and Uganda
- Measures taken to implement the above memorandum of understanding

Customs and immigration

- How far has Government implemented the recommendations contained in the Group's previous report with regard to control of persons and goods passing through the common border between Uganda and the Democratic Republic of the Congo?
- Following the extension of the authority of the Government of the Democratic Republic of the Congo to the borders with Uganda in the Aru area, how is the Government of Uganda working with the Government of the Democratic Republic of the Congo to improve border control, especially with regard to armed groups in the Democratic Republic of the Congo?
- Measures to reinforce immigration procedures
- Amendments made to Northern Corridor Agreement

Ministry of Defence/and other agencies of the Government of Uganda

- The Group of Experts is seeking permission to visit the Nakasongola arms factory; the Group is to submit an official request through the Ministry of Foreign Affairs.

- The Group is seeking information regarding any relationship between the Government of Uganda and the Ituri armed groups; and in particular information on FAPC, UCPD, FDDC, FNI, PUSIC, UPC, FRPI, FDLR, Floribert Ndjabu, Goda Sukpa, Etienne Lona, Thomas Lubanga, Bosco Taganda and Germain Katanga. Uganda is expected to honour its promise to provide biographical details and immigration data on certain persons. Security Council resolution 1596 (2005) adopted on 18 April 2005 imposed travel restrictions and assets freezing in respect of a number of persons, including any other leaders or representatives of the embargoed parties, particularly IAG, with whom the Government of Uganda has interacted. Also include any new information on splinter groups, factions or emerging groups, some of which may be utilizing Ugandan territory.

Appointments

In view of the fact that the new resolution also contains provisions regarding financial operations, the Group is seeking appointments to meet with:

(a) Bank of Uganda

(b) Financial Crimes Intelligence Unit

(c) Supervisory agencies for trade for strategically relevant goods

(d) Registrar of Companies

Case-specific information

- The Group is interested in receiving from the Government of Uganda all available data on domestic gold production over the last five years, as well as the overall imports and exports of gold by Uganda over the same period. The Group would also like to obtain a description of the licensing requirements for gold traders and brokers, as well as a list of all importers and exporters of gold that are currently in good standing and operate with a valid business licence in Uganda.

- What follow-up has the Government of Uganda conducted in response to information contained in the Group's second report (S/2005/30) on gold exports from the Democratic Republic of the Congo to Uganda? The Group is particularly interested in receiving any possible insight the Government of Uganda may have on effects that the gold trade may have on the arms embargo on the Democratic Republic of the Congo.

Finance

- The Group would welcome an agreement in principle with the Government of Uganda to access specific corporate and banking records. In this connection,

the Group would appreciate the arrangement of a meeting with authorities responsible for monitoring bank accounts, with a view to consolidating information pertaining to individuals named in the Group's second report (S/2005/30) that have bank accounts in Uganda and that have been found to be connected with violations of the arms embargo in the Democratic Republic of the Congo.

- What provisions has the Government of Uganda put in place to ensure full compliance with targeted financial or travel sanctions, should such sanctions be imposed by the Security Council? Furthermore, the Group would like to know whether the Government of Uganda requires any assistance in this regard.

Good neighbourliness

Operative paragraphs of the resolution

Specific paragraphs of resolution 1596 (2005) adopted by the Security Council on 18 April 2005, notably:

Para. 1: Extension of the embargo to any recipient of arms in the Democratic Republic of the Congo

Para. 4: Exemption of the Government of the Democratic Republic of the Congo

Para. 6: Compliance with ICAO standards and requirements, especially in respect of verification of documentation and use of airports or airfields

Para. 9: IC/GLR Dar es Salaam Declaration — air traffic control

Para. 12: Investigate activities of nationals transporting arms — and non-nationals/and include all types of resupply or assistance to embargoed groups in the Democratic Republic of the Congo

Para. 10: Customs controls

Para. 13: Blocking identified persons

Para. 15: Freeze assets